

## REMARKS/ARGUMENTS

### **I. Fees**

Applicant believes that there are no additional fees due at this time. *If there are any additional fees due in respect to this amendment, please charge them to Deposit Account No. 13-2165. Authority is hereby given to charge any such deficiency, or credit any overpayment, to Deposit Account No. 13-2165 Mathews, Shepherd, McKay & Bruneau. The Examiner is invited to contact the undersigned if further information is required.*

### **II. 35 U.S.C. § 112**

It is the Examiner's opinion that claims 37-70 are rejected under 35 U.S.C. § 112 first paragraph as failing the enablement requirement. The applicant traverses this particular grounds for rejection, however in the interest of prosecutorial efficiency the Applicant has canceled claims 37-70 without prejudice and has rewritten them as claims 71 through 90 in order to more clearly state the present invention.

### **III. Declaration under 37 CFR §1.131 of Inventor of Frank J. Ponzio, Jr.**

Applicant submits the declaration of inventor Frank J. Ponzio, Jr. which includes a published paper by the inventor entitled Authoritative Data Source (ADS) Framework and ADS Maturity Model, Proceedings of the Ninth International Conference on Information Quality (ICIQ-04), November 5-7, 2004, MIT pp 346-357, in order to assist the Examiner in understanding the present invention.

#### IV. 35 U.S.C. § 102

It is the Examiner's opinion that claims 37-70 are anticipated by US Patent No. 5,678,041 issued to Baker. In the interest of prosecutorial efficiency the Applicant has canceled claims 37-70 without prejudice and has rewritten them as claims 71 through 90 in order to more clearly state the present invention.

The applicant agrees that Baker discloses communicating digital data between data sources. However, Baker does not teach a system for signaling content quality of preexisting digital data between at least two digital devices, the preexisting digital data having a plurality of data records, each of the plurality of data records having a plurality of data fields, analyzing quality of the content of preexisting digital data, *grading the results* of the analysis *without accessing the preexisting data*, and, *marking the grading results* in at least one form *without changing and without accessing the preexisting data*. Baker does not teach that a first digital receiver dynamically accesses the mark of the preexisting digital data without accessing the preexisting data to determine suitability for subsequent use of the preexisting data.

Baker does not teach remarking the grading results in at least one form without changing and without accessing the preexisting data, the remark indicative of the quality of the content of the preexisting digital data using at least one or more different predefined sets of criteria, whereby another digital receiver can independently determine suitability

from the remark for another subsequent use of the preexisting digital data without accessing the preexisting digital data.

Baker does not teach regrading the results of the analysis without accessing the preexisting data, marking the regrading results in at least one form without changing and without accessing the preexisting data, the mark of the regrading results indicative of the quality of the content of the preexisting digital data using at least one or more different predefined sets of criteria, whereby another digital receiver can independently determine suitability from the mark of the regrading results for another subsequent use of the preexisting digital data without accessing the preexisting digital data.

Baker discloses a rating database to determine access rights to resource identifiers or pointers, such as a URL. The database is updated and modified by an administrator/manager. In particular the database contains an access rating for which the user has been assigned specific permissions by an administrator/manager (see column 3 lines 7-32). Baker provides a rating which determines if a user is granted access to the content identified by the URL.

In contrast to Baker, the applicant's present invention has three distinct parts. They include: analyzing the content of preexisting digital data; grading/scoring/rating the results of the analysis without accessing the preexisting data; and marking/presenting/labeling the grading/scoring/rating in one or more output forms without accessing the preexisting data. Thus allowing various decisions regarding the

suitability of the data to be made without needing to have access to the preexisting data after the initial analysis step.

There is a pervasive need to have current, reliable, and trusted data from what are termed Authoritative Data Sources. This requirement has grown increasingly important in all industries and in particular in the military as it transforms. The transformation requires individual organizations, each using an array of independently developed stovepipe systems, to function on the battlefield with other weapons systems, services, and friendly nations, sharing communications networks and data.

Organizations are increasingly relying on digital systems to conduct their business. These digital systems typically interoperate with other digital systems, both internal and external to the organization. As this reliance on digital systems has grown, so has the reliance on data that is provided by others. This data may be used or published as is or may be integrated and manipulated. The number of inter-system transactions and information exchanges has proliferated even more with the expansion of Internet use. Often the data provided by a source information provider is critical to the successful operation of the receiving organization.

Baker does not teach each and every element of the applicant's claimed invention. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested, as the

Examiner has failed to make a prima facie case of anticipation based on the cited prior art.

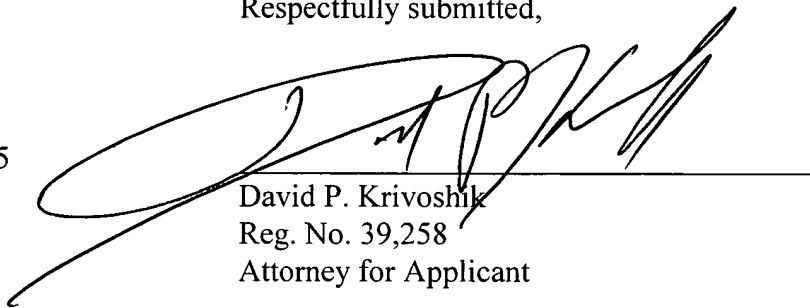
**V. Summary**

By this amendment, applicant has amended the claims to more clearly state the present invention. Applicant believes that claims 71-90, the only remaining claims are in condition for allowance.

Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

Respectfully submitted,

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